



THE SCHIMMERLING INJURY LAW RIDER SERIES

THE NEW YORK RIDER'S GUIDE TO MOTORCYCLE INJURY COMPENSATION

Presented by Schimmerling Injury Law · Binghamton and the Southern Tier



Member, National Academy of Motorcycle Injury Lawyers

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CHAPTER 1

A MESSAGE TO SOUTHERN TIER RIDERS

The only thing worse than being seriously hurt in a motorcycle crash is not getting the compensation you deserve, or finding out later that an insurance company took advantage of you.

Insurance companies have every advantage. They aren't worried about medical bills, lost wages, or putting food on the table. Their adjusters are trained to diminish, devalue, and deny motorcycle claims, and behind them stands an army of lawyers whose only job is to pay you as little as possible.

New York riders face an extra problem most people don't know about: the no-fault system that protects people in cars leaves motorcyclists out. That makes the choices you make right after a crash even more important.

You don't have to face it alone. **Schimmerling Injury Law**, through its membership in the **National Academy of Motorcycle Injury Lawyers (NAMIL)**, stands up for injured riders in Binghamton and across the Southern Tier. If you've been hurt, don't wait. Call **(607) 772-5291** for straight answers.

CHAPTER 2

THE FIRM IN YOUR CORNER



Tom Schimmerling, Esq.

Schimmerling Injury Law · NAMIL Member

Tom Schimmerling leads Schimmerling Injury Law, the Binghamton firm behind **UpstateBikerLawyer.com**, dedicated to helping injured bikers. The firm represents people hurt in motorcycle crashes in Broome County and throughout the Southern Tier, from Johnson City and Endicott to Owego and beyond.

WHY RIDERS CAN TRUST THIS FIRM

- A local Binghamton firm that knows the roads, the courts, and the insurers riders here deal with.
- Focused on **helping injured bikers**, not just car crashes with a motorcycle added on.
- Member of the **National Academy of Motorcycle Injury Lawyers (NAMIL)**, the national network for attorneys who fight for injured riders.
- Free case reviews. If the firm takes your case, you don't pay unless you win.

FIRM COORDINATES

Schimmerling Injury Law · Binghamton, New York
(607) 772-5291 · nylawhelp.com

CHAPTER 3

DON'T GET PLAYED BY THE ADJUSTER

The first thing the other driver's insurer wants is a recorded statement and a signed release. Don't give either. Once they have your words on tape, they will twist them to deny or minimize your claim. If you think you can handle an adjuster alone, test them with these questions and watch the red flags appear.

11 QUESTIONS EVERY RIDER SHOULD ASK AN ADJUSTER

1. Will you put in writing that the crash was not my fault?
2. What are your insured's policy limits? Show me the declaration page.
3. Can I have a copy of your insured's recorded statement?
4. If you want my medical records, will you give me copies of everything you collect?
5. Will you share statements from other witnesses?
6. Does your insured have umbrella or secondary coverage? Put it in writing.

7. What personal or medical information have you gathered on me from databases?
8. Have you pulled my credit report or debt information?
9. Have you canvassed my neighbors or people I know?
10. Have you conducted surveillance on me? Show me the photos or video.
11. What reserve amount have you set on my case?

If the adjuster says "no" to any of these, that's a flashing warning sign they don't intend to treat you fairly.

CHAPTER 4

FIVE STRATEGIES THAT CAN GROW YOUR SETTLEMENT

These aren't tricks. They're proven habits that can significantly increase the value of your case if you start them early.

1. TAKE PHOTOS, LOTS OF THEM.

The scene, your injuries, your bike, the other vehicles, your recovery. Pictures tell a story words can't.

2. GET DIAGNOSED FOR EVERY INJURY.

Don't shrug off "minor" pain. If it isn't in your medical record, insurers will argue it came from something else.

3. FOLLOW DOCTOR'S ORDERS.

Every appointment, every therapy session. Skipping care is the easiest way to tank a claim.

4. BRING IN THE RIGHT EXPERTS.

Accident reconstructionists, medical life-care planners, and economists make your damages undeniable.

5. NEGOTIATE THE MEDICAL BILLS.

Even after you win, reducing outstanding bills and liens keeps more money in your pocket. A good firm does this for you every day.

CHAPTER 5

FIVE MISTAKES THAT CAN RUIN YOUR CLAIM

- **Giving a recorded statement.** Never let the other driver's adjuster record you.
- **Believing the adjuster.** If they say you don't have a case or you're at fault, get a lawyer's opinion first.
- **Failing to capture evidence.** Skipping photos of the scene, vehicles, or injuries is a mistake you can't undo.
- **Missing medical appointments.** Every gap in treatment becomes ammunition that you "weren't really hurt."
- **Waiting too long.** A crash caused by a road defect can need written notice to the city or town within 90 days. Waiting can end the claim before it starts.

CHAPTER 6

NO-FAULT DOES NOT COVER YOU ON A BIKE

New York is a no-fault state for cars and trucks. After a car crash, each person's own policy pays basic medical bills and lost wages, regardless of who caused it.

Motorcycles are left out of that system.

WHAT THAT MEANS FOR RIDERS (NEW YORK INSURANCE LAW, ARTICLE 51)

A rider hurt in a crash generally **does not get no-fault benefits** for their own medical bills and lost wages. Your health insurance, any optional medical payments coverage on your motorcycle policy, and the claim against the at-fault driver have to carry the load.

There is a flip side. Because riders are outside the no-fault system, the no-fault "serious injury" threshold that limits many car-crash lawsuits generally does not restrict a rider's own claim against the driver who caused the crash. Whether and how it applies in a specific case is a question for your lawyer.

Ask your insurance agent whether your motorcycle policy offers optional medical payments coverage, and how much. It is one of the few ways to get your own bills paid quickly after a crash.

CHAPTER 7

NEW YORK MOTORCYCLE INSURANCE ESSENTIALS

New York's required minimums fall far short of what a serious motorcycle injury can cost.

NEW YORK MINIMUM LIABILITY COVERAGE

25 / 50 / 10

\$25,000 bodily injury per person · \$50,000 per crash · \$10,000 property damage (higher limits apply for death: \$50,000 / \$100,000). Every New York policy must also include basic **Uninsured Motorist (UM)** coverage of \$25,000 / \$50,000.

A single surgery can top \$100,000. Rehab and lost wages pile on fast. If the driver who hit you carries only the minimum, \$25,000 does not go very far.

WHAT RIDERS SHOULD CARRY

- **Liability:** at least 100/300 if you can.
- **SUM (Supplementary Uninsured/Underinsured Motorist):** optional in New York, and the most important coverage a rider can buy. It protects you when the other driver has little or no insurance.
- **Medical payments:** ask about it, since no-fault won't pay your bills on a bike.
- **Umbrella:** worth it if you own a home or assets.

CHAPTER 8

THE SUM LIFESAVER: A REAL-NUMBERS STORY

Picture a rider on Route 17 hit by a driver who drifted across the lane. Medical bills alone top \$250,000. The problem: the at-fault driver carried only the New York minimum, \$25,000 in liability.

Without protection, that rider is financially ruined. But this rider had bought **\$250,000 in SUM coverage**. When the at-fault driver's insurance runs out, their own SUM helps

pay the rest.

THE MATH

At-fault driver's insurance: \$25,000

Your SUM coverage: \$250,000

Protection available: up to \$250,000

Under New York's SUM rules, the at-fault driver's payment is generally credited against your SUM limit, so higher SUM limits matter. Your policy language controls; read it with your agent or lawyer.

SUM is optional in New York, so many riders don't have it. Don't be one of them.

CHAPTER 9

WHAT IS MY CASE WORTH IN NEW YORK?

There's no magic calculator, but three factors drive most of it: **liability** (how clearly the other driver is at fault), **available insurance** (policy limits set the ceiling), and **your lawyer** (insurers track which firms actually try cases).

NEW YORK'S PURE COMPARATIVE FAULT RULE (CPLR 1411)

New York uses **pure comparative negligence**. If you are found partly at fault, your recovery is reduced by your share of the blame, but it is not wiped out. Insurers love to pin partial blame on riders, so fault is everything.

Other factors adjusters weigh: the severity and permanence of your injuries, current and future medical bills, lost wages and earning capacity, your credibility, and the at-fault driver's conduct (impaired? distracted?).

CHAPTER 10

DEADLINES AND TIMELINE

NEW YORK DEADLINES

Three years from the date of the crash is the general deadline to file a personal-injury lawsuit (CPLR 214).

90 days is the usual deadline to serve a written **notice of claim** on a city, town, county or other public body, for example after a crash caused by a pothole or a road defect (General Municipal Law 50-e). The lawsuit itself usually must follow within one year and 90 days.

- **Never settle too soon.** Insurers dangle quick low offers before you know the full extent of your injuries.
- **Wait for Maximum Medical Improvement (MMI).** Settle before you've healed as much as you will, and you're gambling with your future care.
- **After treatment, expect 3 to 6 months** to gather bills, build a demand, and negotiate.

CHAPTER 11

DO I HAVE TO GO TO COURT?

"I'm not the suing type." We hear that a lot. The truth: **you're the boss**, and most cases settle before trial. But filing suit is sometimes how you make a stubborn insurer pay full value. It opens access to records, statements, and depositions, and it tells the insurer you're serious. Having a firm willing to try the case is often what makes the difference, even if you never see a courtroom.

CHAPTER 12

EVIDENCE WINS CASES: YOUR POST-CRASH PLAYBOOK

IMMEDIATELY AFTER A CRASH

- Photograph the scene, vehicles, your bike, your gear, and your injuries.
- Get witness names and numbers.
- Call police and get the crash report.
- Save your gear. Don't toss the helmet, jacket, or gloves. They prove impact.
- If a pothole or road defect played a part, photograph it with something for scale before it gets patched.

MEDICAL EVIDENCE IS EVERYTHING

- Report every symptom, even "small" ones. Undocumented means denied.
- Follow treatment. Keep a simple pain journal (pain, sleep, mobility).
- Helmet-cam or dash-cam footage can be a game-changer.

CHAPTER 13

BINGHAMTON AND SOUTHERN TIER RIDING RISKS

- **The I-81 and Route 17 interchange.** The tight curves where I-81 and Route 17 (I-86) meet near downtown Binghamton bring sudden slowdowns and lane changes. Keep a buffer and stay visible.
- **Deer at dawn and dusk.** Routes 17, 26, 79 and the back roads through the hills see heavy deer traffic, especially in the fall.
- **Short season, cold mornings.** Frost on bridges and shaded curves, wet leaves in the fall, and sand and salt left over in the spring.
- **Potholes and frost heaves.** Freeze-and-thaw winters leave broken pavement that can throw a rider. Report and photograph them.
- **River roads.** Scenic routes like 17C along the Susquehanna have farm traffic, driveways and blind curves.

NEW YORK'S HELMET LAW (VEHICLE AND TRAFFIC LAW 381)

New York requires **every rider and passenger to wear a DOT-compliant helmet**, and riders must also use approved eye protection such as goggles or a face shield. Riding without them is a ticket, and an insurer may try to use it to argue your injuries were worse than they should have been.

CHAPTER 14

RIDE SAFER: PRO TIPS FOR NEW YORK RIDERS

BRAKING AND CORNERING

- Finish braking before you enter a curve.
- Avoid hard braking on painted lines, crosswalks, metal plates and bridge joints.

- Practice emergency stops in a safe lot. Muscle memory saves lives.

COLD WEATHER AND LOW LIGHT

- Give cold tires a few easy miles before you lean on them.
- Let the sun warm the road before early rides; shaded corners stay icy longest.
- Fall and winter daylight is short. Add auxiliary lighting for the ride home.

GEAR AND VISIBILITY

- A bright jacket and reflective tape change whether drivers see you at intersections.
- Layer up. Cold hands and a stiff body slow your reactions.
- Check your tire date code (4-digit DOT) and replace tires every 5 to 6 years regardless of tread.

Chapter 15

YOUR NEXT STEP: A FREE CASE REVIEW

If you've been hurt in a motorcycle crash, don't go it alone. The insurance company has a team of lawyers. So should you.

When you call Schimmerling Injury Law, you'll talk to a real person, get your questions answered, and learn your rights before you sign anything. No pressure, no obligation, and if the firm takes your case, you don't pay unless you win.

(607) 772-5291

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APPENDIX

QUICK REFERENCE

A · NEW YORK INSURANCE CHEAT SHEET

- Minimum: 25/50/10 liability · basic UM 25/50 required · no no-fault benefits on a motorcycle.

- Recommended: 100/300 liability + SUM well above the minimum + medical payments coverage.

B • AFTER-CRASH CHECKLIST

- Check for injuries, call 911.
- Photograph scene, vehicles, gear, injuries, and any road defect.
- Get witness info and the police report.
- Seek medical care the same day.
- Call Schimmerling Injury Law before giving any statement.

C • GLOSSARY

- **MMI:** Maximum Medical Improvement, when you've healed as much as you will.
- **No-fault:** New York's system that pays basic medical bills and lost wages after car crashes. Motorcycles are left out.
- **UM / SUM:** Uninsured Motorist / Supplementary Uninsured and Underinsured Motorist coverage.
- **Notice of claim:** the written notice you must serve on a public body, usually within 90 days, before suing it.
- **Reserve:** the amount an insurer quietly sets aside for your claim.

D • ABOUT NAMIL

The National Academy of Motorcycle Injury Lawyers is a nationwide network of attorneys dedicated to injured riders. Membership is limited to firms committed to bikers' rights. Schimmerling Injury Law is NAMIL's member firm for the Binghamton market.



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This guide is general information for New York riders, not legal advice, and does not create an attorney-client relationship. Laws change and every case is different; consult an attorney about your specific situation. Attorney

advertising. Statutory references (Insurance Law Article 51, CPLR 1411, CPLR 214, General Municipal Law 50-e, Vehicle and Traffic Law 381) are provided for general reference and should be verified.